

PATENT

Attorney Docket No. 235.00310101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Fayrer-Hosken et al.	)	Group Art No.:	1614
		)		
Serial No.:	10/019,642	)	Examiner:	Unknown
		)		
Filed:	December 28, 2001	)		
		)		
For:	FERTILITY IMPAIRING VACCINE CONTAINING AVIAN ZONA PELLUCIDA PROTEIN AND METHOD OF USE			

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MAY 28 2002  
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#5

RESPONSE TO NOTIFICATION OF MISSING PARTS UNDER 37 U.S.C. §371

Assistant Commissioner for Patents  
Attn: Box PCT  
Washington, D.C. 20231

Sir:

In response to the "Notification of Missing Requirements Under 35 U.S.C. §371 in the United States Designated/Elected Office (DO/EO/US)" on February 1, 2002, Applicants submitted two executed Declarations by the named inventors, copies of which are enclosed herewith as Exhibit A.

Applicant's Representatives note that an additional defect was observed, specifically requesting an additional claims fee of \$198. On March 14, 2002, a charge of \$198 was applied to Deposit Account No. 13-4895. Applicants respectfully submit that this charge was applied in error. Upon further review of the initial filing fee previously paid, Applicants believe the fee of \$920 is correct.

Int'l Prel. Exam.		=	\$890
Surcharge for Oath/Dec.		=	\$130
50 claims total (30 extra)	x	\$18	= \$540
2 independent claims (0 extra)	x	\$84	= \$0
multiple dependent claims		\$280	= \$280
Total		=	\$1,840
small entity status	reduce by ½	=	\$920

Filed: February 1, 2002

FERTILITY IMPAIRING VACCINE CONTAINING AVIAN ZONA PELLUCIDA PROTEIN AND METHOD OF USE

Applicants respectfully request a credit of \$198 be refunded to Deposit Account No. 13-4895. If the U.S. Patent & Trademark Office does not agree, please provide Applicant's Representative with a detailed explanation of the charges accrued.

Please charge Deposit Account No. 13-4895 if any additional fees or credit over payment is necessary.

The application should now be in condition for examination. Please direct any inquiries to attorney Victoria Sandberg at (612) 305-1226.

**CERTIFICATE UNDER 37 C.F.R. 1.10:**

The undersigned hereby certifies that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated below and is addressed to the Assistant Commissioner for Patents, Attn: Box PCT, Washington, D.C. 20231.

Sue Dombroske  
EL888272952US **SUE DOMBROSKE**  
"Express Mail" mailing label number:

Date of Deposit: 6 May 2002

6 May 2002  
Date

Respectfully submitted for

The University of Georgia Research  
Foundation, Inc.

By

Mueting, Raasch & Gebhardt, P.A.

P.O. Box 581415

Minneapolis, MN 55458-1415

Telephone (612)305-1220

Facsimile (612)305-1228

**Customer Number 26813**



**26813**

PATENT TRADEMARK OFFICE

By: Mark J. Gebhardt

Mark J. Gebhardt

Reg. No. 35,518

Direct Dial (612)305-1216

## TRANSMITTAL LETTER TO THE UNITED STATES

235.00310101

DESIGNATED/ELECTED OFFICE (DO/EO/US)

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

CONCERNING A FILING UNDER 35 U.S.C. 371

10/019,642

INTERNATIONAL APPLICATION NO.

INTERNATIONAL FILING DATE

PRIORITY DATE CLAIMED

PCT/US00/18051

30/06/2000 (30 June 2000)

01/07/1999 (01 July 1999)

TITLE OF INVENTION

FERTILITY IMPAIRING VACCINE CONTAINING AVIAN ZONA PELLUCIDA PROTEIN AND METHOD OF USE

APPLICANT(S) FOR DO/EO/US

FAYRER-HOSKEN et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). (previously filed - Exhibit A) (8 pgs.)
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. (3 pgs.)
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☒ Certificate of Mailing by Express Mail
23. ☒ Other items or information:

Itemized return-stamped postcard; Response to Notification of Missing Requirements Under 35 U.S.C. §371 (2 pgs.); copy of Notification of Missing Requirements Under 35 U.S.C. §371 in the U.S. Designated/Elected Office (DO/EO/US) (2 pg.); Assignment Recordation Coversheet (1 pg.); check in the amount of \$40.00 for recording fee; Supplemental Application Data Sheet (4 pgs.); Election Under 37 C.F.R. §§3.71 and 3.73 and Power of Attorney (1 pg.); and Transmittal Letter (1 pg.)

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR <b>10/019,642</b>		INTERNATIONAL APPLICATION NO. <b>PCT/US00/18051</b>		ATTORNEY'S DOCKET NUMBER <b>235.00310101</b>	
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24. The following fees are submitted:

<b>BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5)) :</b>				<b>CALCULATIONS PTO USE ONLY</b>	
<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....	<b>\$1040.00</b>				
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....	<b>\$890.00</b>				
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....	<b>\$740.00</b>				
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....	<b>\$710.00</b>				
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....	<b>\$100.00</b>				
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>		<b>\$0.00</b>			
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)).		<input type="checkbox"/> 20 <input type="checkbox"/> 30	<b>\$0.00</b>		
<b>CLAIMS</b>	<b>NUMBER FILED</b>	<b>NUMBER EXTRA</b>	<b>RATE</b>		
Total claims	- 20 =	0	x \$18.00	<b>\$0.00</b>	
Independent claims	- 3 =	0	x \$84.00	<b>\$0.00</b>	
Multiple Dependent Claims (check if applicable).			<input type="checkbox"/>	<b>\$0.00</b>	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$0.00</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.				<b>\$0.00</b>	
<b>SUBTOTAL =</b>				<b>\$0.00</b>	
Processing fee of <b>\$130.00</b> for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)).				<input type="checkbox"/> 20 <input type="checkbox"/> 30	<b>\$0.00</b>
<b>TOTAL NATIONAL FEE =</b>				<b>\$0.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).			<input checked="" type="checkbox"/>	<b>\$40.00</b>	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$40.00</b>	
				Amount to be: refunded	\$
				charged	\$

- a. ☒ A check in the amount of **\$40.00** to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **13-4895** A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Victoria A. Sandberg  
Mueting, Raasch & Gebhardt, P.A.  
P.O. Box 581415  
Minneapolis, Minnesota 55458-1415  
United States of America

  
SIGNATURE

**Mark J. Gebhardt**

NAME

**35,518**

REGISTRATION NUMBER

**6 May 2002**

DATE



UNITED STATES PATENT AND TRADEMARK OFFICE

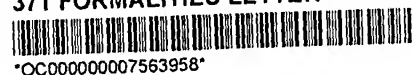
Commissioner for Patents, Box PC1  
United States Patent and Trademark Office  
Washington, D.C. 20233  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/019,642	FIRST NAMED APPLICANT Richard Fayrer-Hosken	ATTY. DOCKET NO. 235.00310101 ✓
INTERNATIONAL APPLICATION NO. PCT/US00/18051		
I.A. FILING DATE 06/30/2000	PRIORITY DATE	

Victoria A Sandberg  
Mueiting Raasch & Gebhardt  
P O Box 581415  
Minneapolis, MN 55458-1415

✓ 5/6/02 MP Due  
9/6/02 MP Final

CONFIRMATION NO. 1056  
371 FORMALITIES LETTER



\*OC000000007563958\*

Date Mailed: 03/06/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

- Additional claim fees of \$198 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

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MAR 11 2002

MUEITING &amp; RAASCH

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$198** for a Small Entity:

- Total additional claim fee(s) for this application is **\$198**
  - **\$198** for **52** total claims over 20.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

ANITA D JOHNSON

Telephone: (703) 305-3661

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/019,642	PCT/US00/18051	235.00310101

FORM PCT/DO/EO/905 (371 Formalities Notice)